

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF RHODE ISLAND

DEPARTMENT OF CHILDREN
YOUTH & FAMILIES,
Plaintiff,

v.

C. A. No. 21-cv-00272 MSM-LDA

CARLINE VILBON,
Defendant,

**OBJECTION TO THE SUBPOENA ADDRESSED TO THE "RHODE ISLAND FAMILY
COURT JUVENILE DIVISION KEEPER OF RECORDS" TO PRODUCE
DOCUMENTS, INFORMATION, OR OBJECTS OR TO PERMIT INSPECTION OF
PREMISES IN A CIVIL ACTION**

Now comes Rhode Island Family Court and objects to the subpoena served on or about August 5, 2021, purporting to command the production of "All docket entries, Motions, Exhibits, Transcripts, Court Decisions Court Order, Affidavits Medical records, any and all documents and information filed in Case No. PJ20-002943 and other tangible things" at the "United States District Court District of Rhode Island Office of the Clerk One Exchange Terrace, Providence, RI 02903," "Within 20 days of service".

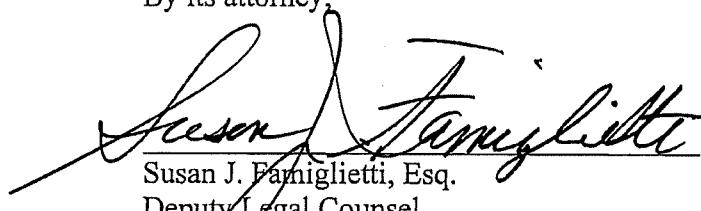
In support of this objection, the objector relies on the following.

1. The records sought in the subpoena are records of a pending Rhode Island Family Court matter statutorily protected under R.I. Gen. Laws §8-10-21 and §14-1-5 and not subject to the subpoena process.
2. The request is unduly burdensome,
3. The request was not made in compliance with Fed Rules of Civ. P. 45.

4. Any production of the requested documents would be moot as the District Courts of the United States do not have original jurisdiction over any child welfare actions pending in the Rhode Island Family Court which actions, therefore, are not removable to a federal district court.
5. Any production of the requested documents would be moot as both parties to the Family Court action identified in the "subpoena" are citizens of the State of Rhode Island therefore that action is not removable to a federal district court based on diversity of citizenship.
6. The subject matter of the request is otherwise not amenable to the subpoena process.

WHEREFORE, pursuant to Fed R. Civ. P. 45 (d)(2)(B) objection is hereby made to the above referenced subpoena.

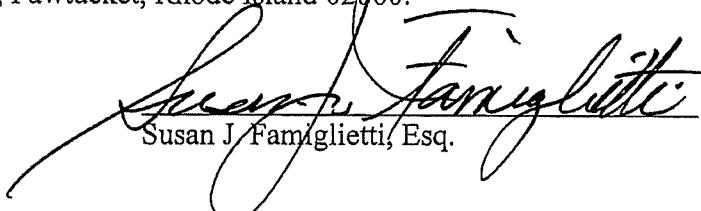
Rhode Island Family Court
By its attorney,



Susan J. Famiglietti, Esq.
Deputy Legal Counsel
Rhode Island Family Court
Garrahy Judicial Complex
One Dorrance Plaza
Providence, Rhode Island 02903
401 458-5042
sfamiglietti@courts.ri.gov

CERTIFICATION

I hereby certify that a copy of this OBJECTION was served on Carline Vilbon on the 13th day of August 2021, by sending copies via e-mail to Vilbonc@yahoo.com and by United States mail, postage prepaid to 74 Prince Street, Pawtucket, Rhode Island 02860.



Susan J. Famiglietti, Esq.

UNITED STATES DISTRICT COURT

for the

*Service
8/5/21*

Department of Children

Youth and Families

Plaintiff

v.

Carline Vilbon

Defendant

Civil Action No. 21-cv-272.

SUBPOENA TO PRODUCE DOCUMENTS, INFORMATION, OR OBJECTS
OR TO PERMIT INSPECTION OF PREMISES IN A CIVIL ACTION

To:

Rhode Island Family Court Juvenile Division Keeper of Records
One Dorrance Plaza, Providence, RI, 02903
(Name of person to whom this subpoena is directed)

Production: YOU ARE COMMANDED to produce at the time, date, and place set forth below the following documents, electronically stored information, or objects, and to permit inspection, copying, testing, or sampling of the material: All docket entries, Motions, Exhibits, Transcripts, Court Decision Court orders, Affidavits, Medical records, any and all documents and information filed in Case No. RI 20-002943 and other tangible things.

Place: United States District Court District of Rhode Island Office of the Clerk Date and Time:
One Exchange Terrace, Providence, RI 02903 Within 20 days of service

Inspection of Premises: YOU ARE COMMANDED to permit entry onto the designated premises, land, or other property possessed or controlled by you at the time, date, and location set forth below, so that the requesting party may inspect, measure, survey, photograph, test, or sample the property or any designated object or operation on it.

Place:

Date and Time:

The following provisions of Fed. R. Civ. P. 45 are attached – Rule 45(c), relating to the place of compliance; Rule 45(d), relating to your protection as a person subject to a subpoena; and Rule 45(e) and (g), relating to your duty to respond to this subpoena and the potential consequences of not doing so.

Date: 8/3/21

DATE 8/5/21
A TRUE COPY ATTEST
VINCENT P CATAMERO
R.I. CONSTABLE #6023

CLERK OF COURT

OR

Signature of Clerk or Deputy Clerk

Attorney's signature

The name, address, e-mail address, and telephone number of the attorney representing (name of party) Carline Vilbon
74 Prince St, Pawtucket RI 02860, Vilbon@yahoo.com who issues or requests this subpoena, are:
(401) 654-3470

Notice to the person who issues or requests this subpoena

If this subpoena commands the production of documents, electronically stored information, or tangible things or the inspection of premises before trial, a notice and a copy of the subpoena must be served on each party in this case before it is served on the person to whom it is directed. Fed. R. Civ. P. 45(a)(4).

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF RHODE ISLAND

Department of Children Youth & Families

Plaintiff

v.

Carline Vilbon

Case No.

21-0272-MSM-LDA
2021 AUG 19 P 2:33

U.S. DISTRICT COURT
DISTRICT OF RHODE ISLAND

Defendant

NOTICE OF APPEAL

Notice is hereby given that **Carline Vilbon**,
Name
the **Defendant** in the above-referenced matter, hereby appeals to the
Party type
United States Court of Appeals for the First Circuit from the **Court Order**
Final judgment or description of order
entered in this action on **August 18, 2021**
Date of entry

Carline Vilbon

Name

Bar Number

Firm/Agency

74 Prince Street

Address

Pawtucket, RI. 02860

City, State, Zip Code

Respectfully submitted,

Carline Vilbon

Signature

08/19/2021

Date

(401) 654-3470

Telephone Number

Fax Number

vilbonc@yahoo.com

E-mail Address

Department of Childrenv...
Plaintiff**APPLICATION TO PROCEED
WITHOUT PREPAYMENT OF
FEES AND AFFIDAVIT**

v.

CASE NUMBER: 21-0272-MSM-LDA*F I L E D*Carline VilbonDefendantI, Carline Vilbon*2021 AUG 19 P 2:33*
U.S. DISTRICT COURT, DISTRICT OF RHODE ISLAND

I, declare that I am the (check appropriate box)
 Petitioner/Plaintiff/Movant Defendant
 other _____

in the above-entitled proceeding; that in support of my request to proceed without prepayment of fees or costs under 28 U.S.C. § 1915, I declare that I am unable to pay the costs of these proceedings and that I am entitled to the relief sought in the complaint/petition/motion.

In support of this application, I answer the following questions under penalty of perjury:

1. Are you currently incarcerated? Yes No (If "No," go to part 2)

If "Yes," state the place of your incarceration:

Are you employed at the institution? Yes No

Do you receive any payment from the institution? Yes No

If the answer is "Yes," attach a certified ledger sheet from the institution(s) of your incarceration showing at least the past (6) six months' transactions.

2. Are you currently employed? Yes No

a) If the answer is "Yes," state the amount of your take-home salary or wages and pay period and give the name and address of your employer:

b) If the answer is "No," state the date of your last employment, the amount of your take-home salary or wages and pay period, and the name and address of your last employer. Also, explain how you have been supporting yourself:

*Brookdale Senior Living, 10 Old Diamond Hill Road, Cumberland, RI. 02864
 Weekly wages was \$1,056. Last day of work was December 10. 2017. I am
 currently receiving \$1,490 in Social Security Disability benefits I have
 not received any payment in rent since May of 2021.*

3. Have you received in the past (12) twelve months or do you anticipate receiving in the future any money from any of the following sources?

- | | | |
|---|---|--|
| a) Business, profession or other self-employment | <input type="checkbox"/> Yes | <input checked="" type="checkbox"/> No |
| b) Rent payments, interest or dividends | <input checked="" type="checkbox"/> Yes | <input type="checkbox"/> No |
| c) Pensions, annuities or life insurance payments | <input type="checkbox"/> Yes | <input checked="" type="checkbox"/> No |
| d) Disability or workers compensation payments | <input checked="" type="checkbox"/> Yes | <input type="checkbox"/> No |
| e) Gifts or inheritances | <input type="checkbox"/> Yes | <input checked="" type="checkbox"/> No |
| f) Any other persons or sources | <input type="checkbox"/> Yes | <input checked="" type="checkbox"/> No |

If the answer to any of the above is "Yes," describe each source of money and state the amount received and what you expect you will continue to receive:

I receive \$1,490 monthly from Social Security
I have not received any rent from tenants
Since May of 2021, but the rent was \$1,500. monthly.

4. List anyone who helps support you or shares support in any way and describe the type and amount of such support for the last twelve months. If no one, write "NO ONE." **None, NO ONE**

5. Do you have **any** cash or checking or savings accounts? Yes No

If "Yes," state the total amount: **\$395.16 in checking**

6. Do you own any real estate, stocks, bonds, securities, other financial instruments, automobiles or any other thing of value? Yes No

If "Yes," describe the property and state its value:

7. Do you have any housing, transportation, utilities, or loan payments, or other regular monthly expenses? Yes No

If "Yes," describe and provide the amount of the monthly expense:

My mortgage is \$1,538.25 per month, food \$300, utilities \$450, \$368 for car apymt I am currently short in funds, because my tenants have not paid reent since May of 2021.

8. Do you have any debts or financial obligations?

Yes

No

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If "Yes," describe the amounts owed and to whom they are payable:

\$368 per month for car loan payment to Ally Auto

and \$1,538.25 for mortgage

9. Have you transferred any assets within the last 12 months prior to filing this application?

Yes

No

If "Yes," describe the asset and state its value:

10. List the persons who are dependent on you for support, state your relationship to each person and indicate how much you actually contribute to their support. Please list minor children by initials only.

I declare under penalty of perjury that the above information is true and correct.

August 19, 2021

Date

Caroline Wilson

Signature of Applicant

NOTICE TO PRISONER: A prisoner seeking to proceed without prepayment of fees shall submit an affidavit stating all assets. In addition, a prisoner must attach a statement certified by the appropriate institutional officer showing all receipts, expenditures, and balances during the last six months in your institutional accounts. If you have multiple accounts, perhaps because you have been in multiple institutions, attach one certified statement of each account.

FOR COURT PURPOSES ONLY:

APPROVED

DENIED

U.S. MAGISTRATE JUDGE

DATE